

POLICING AND PUNITIVE HOMELESSNESS POLICIES

Many American cities face a critical homelessness crisis. Addressing this crisis is essential for the well-being of unhoused people, who face greater health struggles, higher mortality rates, and worse educational, economic, and social outcomes.³ Ending homelessness requires tackling its root causes by providing housing and necessary supportive social and medical services.⁴ But, public pressures may lead cities to pursue more policing-centric policies. Complaints from city residents and businesses about the visible realities of unsheltered homelessness may drive city leaders to focus more on policies such as encampment clearance, fines, and criminal arrests to restrict behaviors associated with homelessness (like camping, sleeping in public, eating in public, sitting on sidewalks, etc).⁵ Punitive policing tied to business and resident complaints has a long history from the early 20th century, escalating in the 1980s as homelessness grew and order maintenance policing increased.⁶

The policing of homelessness may not always be intentionally punitive. Indeed, as we will outline in greater detail later in this brief, much of the police's involvement in homelessness is ostensibly outreach to people experiencing unsheltered homelessness. Yet, social science research is remarkably consistent on the potential harms of such interactions: whenever the police are involved, the possibility of punitive enforcement is introduced.⁷ For example, "outreach" to persons who are experiencing unsheltered homelessness might concurrently result in offers of connections to social services *along with* persons being cited for unlawful camping or sleeping in public; the risks of punitive enforcement are further compounded if this individual is, say, experiencing a behavioral health crisis.⁸

Punitive policing strategies *do not* reduce or end homelessness. Such strategies often *worsen* homelessness. For example, fines and fees make it harder to access employment and social services; in some cases criminal charges impact peoples' eligibility for existing social services and housing programs.⁹ Property confiscation during encampment clearance may come at the expense of documents that are essential for obtaining housing, employment, insurance, like birth certificates and identification.¹⁰ Forced removal often takes persons outside of areas where they can easily access jobs, medical care, transportation, and sometimes outside of city jurisdictions themselves, where they can no longer use their public benefits.¹¹ Finally, criminal arrests and incarceration are associated with cycles of homelessness.¹² When people who were experiencing homelessness are arrested, and then released from carceral systems, they face high risks of re-entering into a state of homelessness.¹³

In addition to being ineffective, these punitive interventions are also costly. Arresting and incarcerating homeless people is far more expensive than providing permanent supportive housing.¹⁴

Despite the high costs and negative consequences of punitive police interventions, we know little about how widely, and in what ways, the police shape and implement homeless policymaking. Using data from a national survey of mayors and administrative data from the 100 largest cities, we first examine the influence of police in homeless policymaking. We investigate how much authority police have in decision-making processes about local responses to homelessness compared to other local actors. Second, we look at the police as policy implementers; we explore how police are involved in on-the-ground service delivery and responses to homelessness.

3 (Fazel et al., 2014; Fusaro et al., 2018; Roncarati et al., 2018)

4 (Colburn and Clayton, 2022; National Academies of Sciences Engineering and Medicine, 2018; Padgett et al., 2015)

5 (Einstein and Willison, 2022; Herring et al., 2019; National Law Center on Homelessness & Poverty, 2014, 2019)²

6 (Vitale, 2017; Wilson, 1978: 118–27)

7 (Epp et al., 2014; Lerman and Weaver, 2018)

8 (Metraux, Roman and Cho 2004; McNeil et al., 2005)

9 (Berkeley Law Policy Advocacy Clinic, 2018; Herring, 2019; Robinson, 2019)

10 (Holland, 2022)

11 (Willison, 2021; Willison et al., 2021)

12 (Greenberg and Rosenheck, 2008; Roman and Travis 2004; Hawthorne et al., 2012)

13 (Augustine and Kushel, 2022; Ware and Dennis, 2013)

14 (Latimer et al., 2020; Ly and Latimer, 2015; Perez 2023)



Punitive policing strategies do not reduce or end homelessness. Such strategies often worsen homelessness.

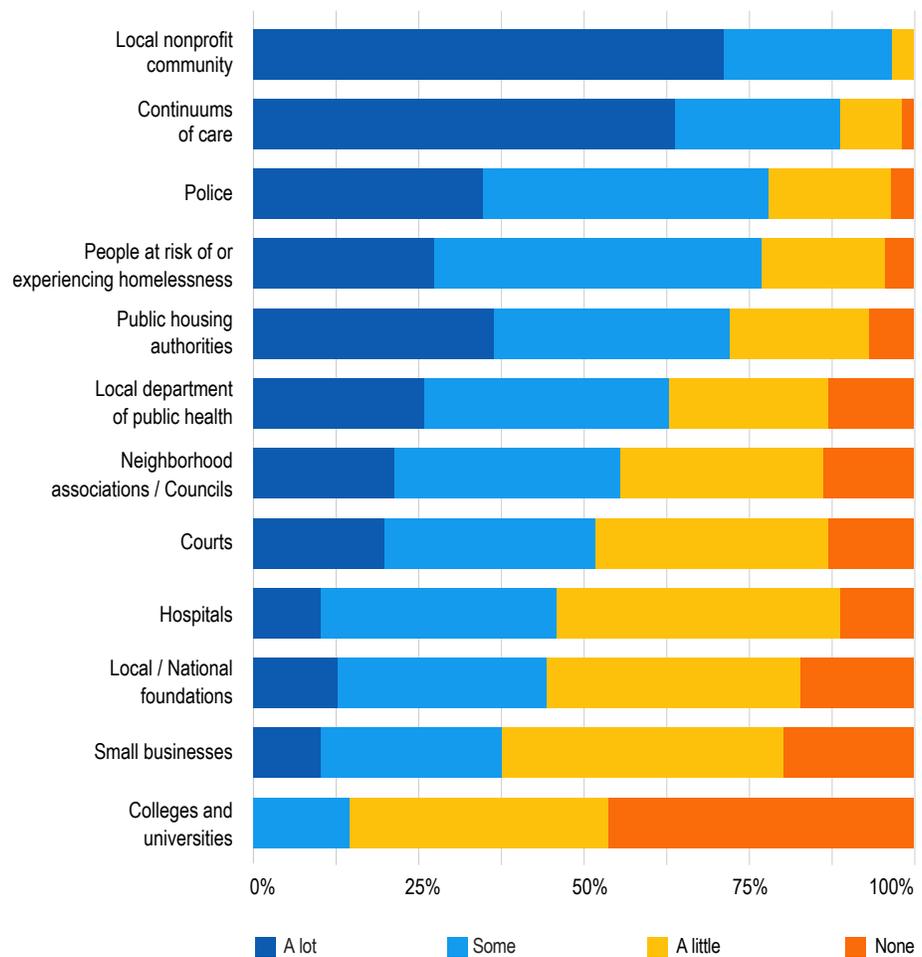


POLICE AND POLICE INFLUENCE

Since policing is largely under the purview of local governments, we turn to cities to understand the prevalence of policing in policy responses to homelessness. In summer of 2021, we fielded a nationally representative survey of mayors. Mayors, as elected city leaders, are in a unique position to provide information about the scope and types of responses to homelessness in their cities.¹⁵

The survey data reveal the stark extent to which the police influence homelessness policy. Seventy-eight percent of mayors say that the police have at least some influence over homelessness policy. This was the third most potent influencer among the 12 that we asked about on the survey of mayors (see Figure 1). Indeed, mayors believe the police have a greater impact on their cities' homeless policies than people at risk of experiencing homelessness, public housing authorities, and local departments of public health, among others.

Figure 1: Influences on Homelessness Policy *How much do each of the following groups shape your city's homelessness policy? (Menino Survey of Mayors)*

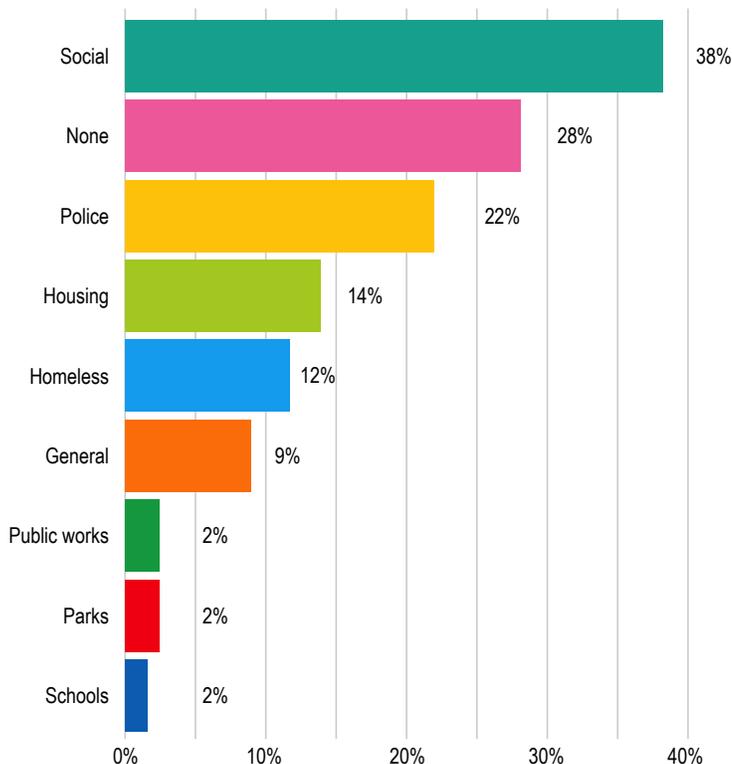


¹⁵ Launched in 2014 at Boston University's Initiative on Cities, the Menino Survey of Mayors is an annual, nationally representative survey of mayors of cities over 75,000. Researchers conduct almost all interviews in person or over the phone, ensuring that responses are from the mayors themselves, and not city staff. Annual response rates are consistently over 25 percent, in keeping with other academic elite surveys (e.g., Anzia, 2022); in 2021, we obtained a response rate of 26 percent. Mayoral and city-level demographics were similar to the full population of cities over 75,000. More details about the full demographic breakdown of the sample population can be found here: <https://www.surveyofmayors.com/files/2022/01/2021-MSOM-Homelessness-Report.pdf>.

POLICE AND THE IMPLEMENTATION OF HOMELESSNESS POLICY: SURVEY OF MAYORS

Twenty-two percent of mayors placed their city's dedicated homelessness staff in their police departments. As Figure 2 shows, the only local government department with more homelessness staff were social services. More mayors opted to place their homelessness staff in their police departments than in housing or separate homelessness departments.

Figure 2. City Staff Dedicated to Homelessness *Does your city government have staff dedicated to the needs of persons experiencing homelessness? If so, what is their title/department? (Menino Survey of Mayors)*



POLICE AND THE IMPLEMENTATION OF HOMELESSNESS POLICY: HOMELESS OUTREACH TEAMS

Homeless Outreach Teams (HOTs) further illuminate the ways that police become enmeshed in local homelessness policymaking. HOTs are groups of government and non-governmental actors designed to engage with, and provide services to, persons experiencing unsheltered homelessness. Because we are interested in documenting police involvement homelessness policy, we collected data only on HOTs operated by the city government,¹⁶ the entity overseeing most police departments in mid-sized and large cities. Using city websites,¹⁷ we analyzed the presence, composition, and policy goals of HOTs across the 100 largest cities in the United States, with a particular focus on whether police were featured as part of these responses. While our analysis of HOT plans and policies cannot directly measure the experience of interacting with a team on the ground, it can show how municipalities prioritize resources and services related to homelessness. Furthermore, our analysis illuminates the policy goals of this primarily police-led outreach model, to understand what outcomes HOTs prioritize when they interact with persons experiencing homelessness.

Sixty-two percent of the 100 largest cities have a HOT. Of cities that have HOTs, 58 percent locate their HOT within their city's police departments. Another 18 percent of HOTs include direct roles for police staffing and engagement in HOT procedures, meaning that over three-quarters of HOTs (76 percent) formally incorporate the police into a primary piece of municipal homeless outreach efforts.

¹⁶ Some city HOTs are operated in partnership with local government and non-governmental actors. We do not include HOTs that are operated solely by a non-governmental CoC or operate beyond the remit of city government (no partnership with or staff from city government). Importantly, there may be different types of homeless outreach teams in some city jurisdictions. For example, the local Continuums of Care (CoCs), the federally designated entities responsible for designing and delivering solutions to homelessness (Housing and Urban Development, 2017), may have their own HOT. However, the majority of CoCs are not a part of local government, often operating side-by-side with city government, without authority to design and implement policy themselves (Willison, 2021).

¹⁷ Initial review of law enforcement websites led to HOTs as the primary policy. We reviewed city (and county websites in cases where applicable if a city is coordinating with or delegating authority to a county level HOT; this was very uncommon) alongside their respective law enforcement websites (police or sheriff), coding for: 1) the presence of a HOT; 2) HOT governance structure and composition; and 3) HOT goals or policies. Of the 100 largest cities, the majority have HOTs; most of these teams are police-led or feature strong police involvement; and most HOT goals simultaneously emphasize engagement with persons experiencing homelessness and enforcement of civil or criminal penalties aligned with the preferences of housed residents and businesses to limit the visibility of homelessness.

In their policy goals, the majority of HOTs emphasize engagement, service provision, and crisis management.¹⁸ Engagement includes strategic encounters with unhoused individuals, initiated through a variety of mechanisms. The two primary mechanisms HOTs use for engagement with persons experiencing homelessness are HOT rounds and citizen complaints.¹⁹

Unfortunately, service provision, punitive policing, and crisis management often go together. HOTs frequently focus on offering social and medical services to unhoused persons prior to enforcing civil or criminal penalties. Riverside, CA illustrates this co-existence in the description of their outreach team's responsibilities: "addressing issues of unlawful panhandling, camping, abandoned personal belongings and vagrancy" and "provide homeless individuals with a pathway out of homelessness."

The majority of HOT engagement strategies include the potential for enforcement of civil or criminal penalties for behaviors associated with homelessness. Fifty-nine percent of HOTs explicitly include enforcement of civil or criminal infractions or quality of life crimes, as a goal or mission; 43 percent include encampment removal (including removal of persons and belongings). HOTs featuring police involvement are far more likely to have a dedicated enforcement goal (75 percent of police-involved HOTs compared to 12.5 percent of HOTs without designated police involvement). For example, San Francisco's HOT describes their response as "engagement and enforcement (as a last resort) to respond to criminal issues."

In comparison, 63 percent of HOTs reference matching unhoused people with temporary housing or shelter. A mere 24 percent of HOTs, though, mentioned permanent housing as a policy goal.

For many cities, HOTs responses are oriented around resident complaints. Forty-one percent of all HOTs include addressing citizen or business concerns or complaints as a policy goal and/or mission. Furthermore, 22 percent of HOTs have formal complaint portals or processes for residents or businesses to report people who are unhoused or behaviors associated with homelessness.

POLICY RECOMMENDATIONS TO REDUCE PUNITIVE POLICE RESPONSES TO HOMELESSNESS

Given the broad influence of police in homelessness policymaking and policy implementation, we first recommend that cities fund and use alternative outreach teams that do not involve the police. This may include social workers, clinicians, and mental health providers, who have professional practice goals centered on the upstream causes of homelessness. Furthermore, such providers also have specific training in psychiatric de-escalation strategies for unhoused persons experiencing mental health and/or substance use disorder crises. Alternative outreach teams may also offer benefits for police departments by alleviating pressure to respond to crises like homelessness that require upstream solutions beyond the remit of police departments.

18 All HOT mission statements, goals, and procedures were reviewed and coded based on the 'primary' intent or emphasis of the HOT in each jurisdiction. One hundred percent of HOTs include engagement or outreach, and some reference to service provision or coordination of services as a primary goal or mission. Crisis was the second most common type of mission, outside of different forms of engagement and outreach (related to service provision). Crisis response varies in the definition, and may include emergencies, crisis, psychiatric needs, medical emergencies, and public safety crises or emergencies including encampments. Forty-four percent of HOTs include crisis management as a primary goal. These primary goals were then re-coded based on HOT prioritization across specific types of engagement and service provision (e.g., enforcement, housing, etc.).

19 HOTs use three mechanisms to initiate encounters with persons experiencing homelessness. The overwhelming majority of HOTs explicitly conduct outreach or engagement activities themselves (HOTs seek out persons experiencing homelessness to engage with them); just two cities (San Francisco and Wichita) do not lead by HOT directed engagement or outreach but instead by reporting from residents. The two other mechanisms to initiate encounters with unhoused persons are types of reporting mechanisms: complaint mechanisms (where residents or businesses are encouraged to submit their complaints, concerns, issues, etc. that they have about homelessness (people or property) that HOTS will respond to); and help mechanisms (help mechanisms are ways for anyone in the city to report on the needs of unhoused persons, framed around providing access to services (emergency or non-emergent). Twenty percent of HOTs include complaints as a mechanism to initiate engagement; 13 percent include 'helplines' as a mechanism to initiate engagement.



New federal incentives rewarding municipalities for establishing non-police involved HOTs may help shift the pendulum away from punitive approaches and towards evidence-based practices.



In addition, we suggest that cities interrogate their use of citizen complaint portals, along with the reduction of citizen complaints as a HOT goal. While city officials understandably want to respond to resident concerns, such portals center the preferences of housed residents over the *needs* of unhoused residents. This introduces bias where housed residents' needs and preferences are prioritized over or *at the expense* of unhoused residents.²⁰ Moreover, such "complaints" from housed residents invite punitive responses. Complaint portals could be replaced with "help" mechanisms — where housed or unhoused citizens can call for help on behalf of themselves or others. Such portals invite city responses rooted in social and medical services, as opposed to punitive enforcement strategies. While their efficacy has yet to be seen, some cities, such as Washington D.C. and Los Angeles, have established help portals. Shifting towards help portals as an alternative to complaint portals may reduce the mechanisms to initiate punitive policing. We encourage cities with such programs to publicly evaluate how often the police become involved in calls stemming from these help portals.

Finally, the federal government should further incentivize city policies that increase the local affordable housing stock and provide necessary social and medical services — and ensure that funds are predicated on not pursuing punitive policing. In 2015, the Obama Administration established new provisions for the receipt of federal funds to address homelessness. Local entities receiving these federal funds must also be moving away from punitive policing strategies.²¹ If local entities were not taking steps to reduce criminalization of homelessness, they could lose funding. The U.S. Interagency Council on Homelessness recently released the "[All In](#)" plan to end homelessness in the United States. The plan cites punitive policies as a significant barrier to ending homelessness and a risk for persons who are experiencing homelessness.²² However, the plan does not currently propose interventions to reduce punitive policing of homelessness. New federal incentives *rewarding* municipalities for establishing non-police involved HOTs may help shift the pendulum away from punitive approaches and towards evidence-based practices. ■

20 (Batko et al., 2020; Herring, 2021; Willison, 2021)

21 (Tars, 2015)

22 USICH 2022, 20

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